

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Misc. Application No. 48/2014

In

Original Application No. 118/2013 (THC)

Madhusudan Sharma Vs. State of Rajasthan & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : None appeared
R.P.C.B. : Shri Shivendu Joshi, Advocate for
Shri Purushaindra Kaurav, Advocate
Rajasthan State Govt. : Shri Sandeep Singh, Advocate**

Date and Remarks	Orders of the Tribunal
Order no. 2 27th January, 2014	<p>None appeared for the Applicant. Shri Sandeep Singh, Learned Counsel appears for the Respondent No.1. Shri Shivendu Joshi, Learned Counsel appears for the Rajasthan Pollution Control Board. The Hon'ble High Court vide its order dtd. 20.02.2008 in para 4 observed as follows :</p> <p><i>“Upon careful perusal of the writ petition and the documents annexed thereto, it appears to us, prima-facie, that contaminated water is being supplied to some of the residential colonies in the city of Jaipur. By such act, few deaths have taken place and the health of the residents has been put to jeopardy. It needs no emphasis that it is the obligation of the State Government and its functionaries to provide clean drinking water to the citizenary of Jaipur and if because of contaminated water, the deaths take place or the citizens fall ill, the State Government and its functionaries have to be held responsible”.</i></p> <p>Having observed as above, the Hon'ble High Court in para 7 issued following interim directions</p> <p><i>“By way of an interim measure, to minimise the health hazard, we direct the Principal Secretary, Public Health and Engineering Department, Government of Rajasthan, Jaipur and the chief Engineer, Public Health and Engineering Department, Jaipur to take immediate corrective measures and steps on urgent basis in ensuring that the supply of water to the residential colonies in the</i></p>

city of Jaipur is not contaminated. The Principal Secretary, Public Health and Engineering Department and the Chief Engineer, Public Health and Engineering Department, Government of Rajasthan, Jaipur may jointly survey the supply lines in the city of Jaipur immediately and have the water tested regularly and submit their report to this court before the next date”.

Thereafter on 27.03.2008 when the report was filed by the respondents, the Hon’ble High Court observed as follows :

“The summary of the report reveals that the arrangements have been made to ensure continuous water quality monitoring and supplying safe water to the consumers. The pipe line system has been surveyed and as a preventive measure, the pipe lines of length (51,235 meters) to be changed have been identified. By 31st July, 2008, the sanctioned works of changing pipelines, shifting the pipelines and service lines from sewer manholes is targeted to be completed. The identified pipelines has been prioritized. In the report it is submitted that out of the above, 2785 meters pipelines have already been sanctioned from Priority I works and are in the process of laying and jointing and targeted to be completed by June, 2008. Estimates of the remaining works of Priority I, II and III have been prepared and targeted to be sanctioned by 31st March, 2008”.

In the light of the action already taken by the government and further work which is likely to be completed by 31st March, 2008, we direct that this writ petition be posted for consideration on 4th August, 2008”.

In view of the above, the Learned Counsel for the Respondents are directed to submit the affidavit of the Principal Secretary, Public Health and Engineering Department, Govt. of Rajasthan (PHED) as well as the Chief Engineer, Public Health and Engineering Department, Govt. of Rajasthan stating whether the steps as directed in the two above quoted orders and the directions of the Hon’ble High Court to complete the work by 21st July, 2008 have been complied with and to what extent.

The Learned Counsel for the Rajasthan Pollution Control Board is directed to inform this Tribunal whether the samples of the

water being supplied by the Public Health and Engineering Department, Govt. of Rajasthan at various places in the city of Jaipur are being regularly tested for quality and potability as directed under the Order dtd. 10.09.2012, or not. The Rajasthan Pollution Control Board shall get the necessary information, if required, from the Officers of the Municipal Corporation, Jaipur to whom the directions were issued by the Hon'ble High Court on 10.09.2012. The affidavit of the Chief Executive Officer of the Municipal Corporation, Jaipur as well as the Chief Engineer, Public Health and Engineering Department, Govt. of Rajasthan, shall be filed to this effect. The Rajasthan Pollution Control Board shall file its reports independently.

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Misc. Application No. 48/2014 has been filed on behalf of the Officer- in-charge, PHED seeking exemption from personal appearance, as prayed he is exempted from personal appearance until further orders by the Tribunal. Therefore, the Misc. Application No. 48/2014 stands disposed of.

List the matter on **18.02.2014**.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)